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COMMITTEE ON THE ELIMINATION OF
RACIAL DISCRIMINATION

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION

Tenth periodic report of States parties due in 1994

Addendum

BELGIUM*

[9 January 1996]

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* This report combines in a single document the ninth and tenth periodic reports of Belgium, due for submission respectively on 6 September 1992 and 1994. For the eighth periodic report of Belgium and the summary records of the meetings at which the Committee considered the report, see documents CERD/C/194/Add.3 and CERD/C/SR.939 and 940.

The information submitted by Belgium in accordance with the consolidated guidelines on the initial part of reports of States parties is contained in core document HRI/CORE/1/Add.1/Rev.1.

The annexes may be consulted in the files of the Centre for Human Rights.

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INTRODUCTION

1. Belgium is submitting a new report on the implementation at the national level of the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination which combines in a single document the ninth and tenth periodic reports that were due for submission on 6 September 1992 and 1994. The last report on the subject (CERD/C/194/Add.3) of 24 September 1991 was considered by the Committee on the Elimination of Racial Discrimination on 3 August 1992. The present report was prepared on the basis of the guidelines contained in the Manual on Human Rights Reporting under six major international human rights instruments (HR/PUB/91/1) and the general recommendations adopted by the Committee. It also contains a set of annexes* designed to provide the members of the Committee with additional information on various points.

I. ARTICLES 2, 3 and 5

A. Legislative development

1. Amendments to the Constitution

2. On 5 May 1993, article 1 of the Belgian Constitution was amended to read: "Belgium is a federal State composed of communities and regions". This solemn declaration is the culmination of a reform process that lasted some 25 years. The 1993 revision was more extensive than the earlier phases of the State reform (1970, 1980 and 1988-1989) and involved a review of 42 articles of the Constitution. The Constitution was rewritten in 1994 to make it more readable; its provisions were put in a more logical order and its terminology was adapted to the federal structure of the State. The (new) coordinated Constitution was published on 17 February 1994.

3. Although the 1993 State reform emphasized the adaptation of institutions, it also led to changes in and the expansion of the areas of jurisdiction of the Communities and Regions. It is well-known that the areas of jurisdiction of the three Communities (Flemish, French and German-speaking) include education, culture and "personalizable" matters, while the three Regions (the Flemish Region, the Walloon Region and the Brussels-Capital Region) are primarily responsible for "territorial" matters such as the economy, infrastructure and the environment. The most important new responsibility assigned to the Communities and Regions in 1993 is that of concluding international treaties which relate exclusively to community or regional matters. In this connection, Belgium is the only country in the world whose Constitution recognizes the autonomous capacity of its federated entities to conclude treaties. At the same time as recognition of such treaty-making capacity, a provision was added to the Constitution to allow the federal legislative and executive branches to act on behalf of the Communities and Regions in order to ensure the continuity of international and supranational obligations.

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* Available for consultation in the files of the Centre for Human Rights.

4. Under the 1993 State reform, direct elections to the Flemish and Walloon Parliaments were, for the first time, held simultaneously with the federal Chamber and Senate elections on 21 May 1995. Previously, the Flemish and Walloon Parliaments were constituted indirectly through a "double mandate" for federal parliamentarians. In order to implement this reform without increasing the number of elected members, the number of (federal) Chamber parliamentarians was reduced from 212 to 150 and that of the (federal) Senate parliamentarians from 184 to 71.

5. Major changes in the rules of political conduct for the federal institutions were made on 21 May 1995, when there was a new division of responsibilities between the Chamber and the Senate. The Chamber of Representatives may now be defined as a political chamber; it is the only body with the power to force the federal Government to resign by proposing a successor to the Prime Minister (introduction of the constructive motion of no confidence, as in German constitutional law). The Senate is now defined as a monitoring body responsible for the quality of legislative activity. As of 21 May 1995, the federal Council of Ministers cannot have more than 15 members and posts cannot be held simultaneously in the Parliament and the Council of Ministers.

6. In 1993, a provision was added to the Constitution to give the French Community the right to transfer its areas of jurisdiction to the Walloon region and the French Community Commission in Brussels.

7. The 1993 State reform also adapted the country's administrative structure to the federal structure of the State through the division of the province of Brabant. The Flemish Region is now composed of the provinces of Anvers, Limbourg, Eastern Flanders, Flemish Brabant and Western Flanders, while the Walloon Region is composed of the provinces of Hainaut, Liège, Luxembourg, Namur and Walloon Brabant. The Brussels-Capital Region is independent of the provincial subdivision and is considered an administrative district.

2. International legislation

8. Since the publication of the last report (1991), Belgium has ratified the following human rights instruments:

(a) Convention on the Rights of the Child, adopted in New York on 20 November 1989 (Act of approval of 25 November 1991);

(b) Optional Protocol to the International Covenant on Civil and Political Rights;

(c) Protocol No. 9 to the European Convention on Human Rights, which, as of 1 December 1995, enables any individual to bring a case before the European Court of Human Rights in Strasbourg (1 August 1995).

3. Internal legislation

(a) Act of 30 July 1981 to suppress certain acts based on racism or xenophobia

9. This Act, which entered into force on 18 August 1981, has already been amended twice. It was first amended by the Act of 15 February 1993 to allow the Centre for Equal Opportunity and Action to Combat Racism (see paras. 17-20 below) to institute legal proceedings as from the date of its establishment. It was amended again and supplemented by an Act of 12 April 1994, which entered into force on 24 May 1994. The need to amend the Act was based on the following facts: (a) the Act was not widely known and seldom enforced; (b) prosecutors adopted a passive attitude towards offences under the Act; (c) penalties under the Act were too lenient (Parl. doc., Ch., o.s. 1993-1994, No. 1294/3, 23 March 1994, Report, p. 3). It was also found that "there has been a great deal of discussion in the media" of the need to amend the Act of 30 July 1981 "because there has been an increase in the type of crime which it was intended to punish and because it is becoming more and more obvious that the Act has missed its target" (Parl. doc., Sen., o.s. 1993-1994, No. 117-2, 8 December 1993, Report, p. 3).

10. Therefore, in order to improve the effectiveness of this Act, the Act of 12 April 1994 introduced several changes: (a) an increase in penalties (one month to one year's imprisonment and a fine of 50 to 1,000 francs (x 200) instead of eight days to six months and 26 to 500 francs (x 200)); (b) a change in the definition of discrimination, based on the definition given in the Convention; (c) replacement of the concept of "national or ethnic origin" by the concepts of "origin" or "nationality"; (d) extension of penalties for public expressions of intent to practise racial discrimination to the other forms of discrimination covered under the law and to public expressions of intent to commit acts of hatred or violence; (e) extension of penalties for discrimination in the provision of goods or services, for example, with regard to access to housing, since the Act no longer covers only places open to the public; (f) penalties for discrimination in job placement, vocational training, offers of employment, hiring, performance of a contract of employment and dismissal, and the civil liability of an employer for the payment of fines incurred by his agents or representatives; (g) extension of the right to institute proceedings to include workers' and employers' organizations in matters of work-related discrimination and racism.

(b) Act prohibiting the denial, minimization, justification or approval of the genocide committed by the German national socialist regime during the Second World War

11. The Act of 23 March 1995, which entered into force on 30 March 1995, gives effect to article V of the Convention on the Prevention and Punishment of the Crime of Genocide, which was adopted by the United Nations General Assembly on 9 December 1948. It fills a gap in the Act of 30 July 1981, no provision of which prohibited the denial of or apology for crimes against humanity or war crimes. Denial of the evidence of certain events which took place during the last war is an insult to the memory of the victims of the Jewish genocide. This falsification of the historical truth is, moreover, indefensible from the point of view of historical criticism,

since it seeks to deny indisputable facts. Furthermore, the absence of specific legislation on the matter encouraged the publication in Belgium of revisionist writings which were subsequently disseminated both in Belgium and abroad and as a result of which notorious Belgian revisionists were convicted in neighbouring countries, but not in Belgium.

12. Article 1 makes anyone who denies, grossly minimizes, seeks to justify or expresses approval of the genocide committed by the German national socialist regime during the Second World War in any of the circumstances indicated in article 444 of the Criminal Code (at public meetings or in public places; in the presence of several individuals in a place that is not public, but that is open to a number of persons who have the right to meet there or to frequent it; in any place whatsoever, in the presence of the aggrieved party and before witnesses; in writing, whether or not printed, images or emblems that are posted up, distributed or sold, placed on sale or displayed to the public; or in writing that is not made public but is addressed or communicated to a number of persons) liable to eight days' to six months' imprisonment and a fine of 26 francs to 500 francs (x 200). Repeat offenders may also be sentenced to the loss of their civil and political rights. The term "genocide" shall be understood in the context of article II of the Convention on the Prevention and Punishment of the Crime of Genocide.

13. In addition to sentencing persons who violate this Act, the judge may order publication of all or part of the judgement in one or more newspapers and in posters at the guilty party's expense (art. 2).

14. The Centre for Equal Opportunity and Action to Combat Racism (see above) and any group which has had legal personality for at least five years at the time of the offence and whose statutes provide that its purpose is to protect the non-material interests and the honour of the Resistance or deportees may institute legal proceedings in any cases to which the implementation of the Act might give rise (art. 3).

(c) The problem of offences against the legislation on the press

15. The courts have unanimously and consistently interpreted the term "offences against the legislation on the press" as covering any printed, reproduced or disseminated text containing the expression of a criminal idea. For the purpose of the implementation of the Acts of 30 July 1981 and 23 March 1995, when legal proceedings are instituted in Belgium against the authors of pamphlets, newspapers and other free publications with general distribution, there is the strong possibility that potentially racist, revisionist or discriminatory acts may be considered offences against the legislation on the press. This is a real problem since, under article 150 of the Constitution, the fact that only the Courts of Assize have jurisdiction in cases of such offences results in their de facto impunity, at least with regard to criminal matters (in fact, with the exception of a recent case, which, moreover, dealt with racist pamphlets, the Courts of Assize have not heard a case on offences against the legislation on the press since the end of the Second World War).

16. There have been political and parliamentary attempts, even during the last session of the Parliament, to revise article 150 of the Constitution,

but, owing to the opposition of journalists, who viewed such attempts as a violation of freedom of expression, no action has been taken. The members of the Parliament are nevertheless aware that the problem must be studied in depth in the future. To this end, article 150 has been included in the list of articles of the Constitution to be revised during the current session and the current federal Government's programme states that, in connection with the simplification of procedures in the Courts of Assize, it intends to invite Parliament "to consider the question of penalties for offences against the legislation on the press".

(d) Establishment of the Centre for Equal Opportunity and Action to Combat Racism

17. The Act of 15 February 1993, which entered into force on 1 March 1993, established the Centre for Equal Opportunity and Action to Combat Racism in the office of the Prime Minister. This Centre has legal personality; its purpose is to promote equality of opportunity and to combat all forms of discrimination, exclusion, restriction or preference based on race, colour, ancestry, origin or nationality. The Centre, which is completely independent in the exercise of its functions, is authorized to carry out any necessary studies or research necessary; it also submits opinions and recommendations to the authorities with a view to improving regulations and to the authorities and private individuals and institutions on the basis of the result of its studies and research. It gives support and guidance to institutions, organizations and distributors of legal assistance, produces any useful information and documentation and carries out all other tasks entrusted to it by any authority (for example, the coordination of Belgian policy on the traffic in persons; see below).

18. With regard to assistance to individuals, the Centre is, within the limits of its functions, authorized to assist anyone who requests a consultation on the extent of his rights and obligations. The assistance is intended to permit the beneficiary to obtain information and advice on ways of asserting his rights; like other organizations, the Centre may also (under the amended article 5 of the Act of 30 July 1981) institute legal proceedings in any cases to which the implementation of the Act might give rise.

19. The Centre submits an annual report on its work to the Prime Minister and, in accordance with the provisions of article 9 of the Convention, prepares Belgium's report to the Committee on the Elimination of Racial Discrimination on the legislative, judicial, administrative and other measures which it has adopted to give effect to the provisions of the Convention.

20. With regard to the full implementation of the Act of 30 July 1981 and preventive action to combat racism, the Centre plays a key role in making the relevant institutions aware of the importance of the Act. Training programmes have thus been set up for the police and gendarmerie and criminal investigation officials. Contacts and ongoing relations have been established with Prosecutors' Offices, one result of which has been the appointment of a judge responsible for liaison with the Centre (for more information on the activities of the Centre for Equal Opportunity and Action to Combat Racism, see the Centre's 1994 and 1995 reports in the annex to this document).

(e) Act of 15 December 1980 on the entry, temporary and permanent residence and removal of aliens, amended by the Acts of 28 June 1984, 14 July 1987, 18 July 1991 and 6 May 1993

(i) Temporary residence and permanent residence of aliens

21. The Act of 6 August 1993, which entered into force on 1 March 1994, solved the problems that spouses and children aged under 18 years who come to Belgium within the framework of family reunification (automatically authorized under art. 10, para. 4, of the Act of 15 December 1980) to join a person who is a non-European Union national face as a result of the slowness of the procedure for the consideration by the Government (Immigration Office) of the right of residence on such grounds and for the verification of the legitimacy of the marriage. Henceforth, persons claiming the right to family reunification will be immediately, although provisionally, included in the alien register (they will receive a residence permit, called "proof of registration", which is renewable every three months) and will be guaranteed a reply within a maximum of 15 months (during which period there must be continuous cohabitation), after which, if there has been no reply from the Immigration Office, they will be automatically and permanently listed in the communal register. This new procedure also applies to the other situations of automatic authorization of residence provided for in article 10 of the Act (cases where the right of residence is provided for by an international treaty, by law or by royal decree; where an alien meets all legal requirements except residence for acquisition by option of Belgian nationality or for recovery of that nationality; or where a woman who is Belgian by birth has lost that nationality through marriage or through her husband's acquisition of another foreign nationality).

22. The Act of 6 August 1993 also amends the provision on family reunification in order to limit the number of cases of forced marriages of very young girls where internal law allows the marriage of persons aged under 18 years. Henceforth, if such a marriage takes place in the country of origin, the right to family reunification may be invoked only if both spouses are aged over 18 years.

(ii) Limitations on the temporary residence or permanent residence of aliens in certain communes

23. The Act of 28 June 1984 added an article 18 bis to the Act of 15 December 1980 authorizing the King, by a decree discussed in the Council of Ministers, to prohibit, by a general provision and for a limited time, the temporary or permanent residence in certain communes of aliens other than EU nationals and assimilated persons and those authorized to reside in the Kingdom for longer than three months for study purposes if he deems that an increase in the alien population of those communes would be contrary to the public interest. The Royal Decree does not apply to aliens who established residence in the Kingdom prior to the entry into force of the Decree, those who are already resident in the commune or those arriving to join an alien within the framework of family reunification. The fact that an increase in the alien population of a commune may hamper the integration of that population must not in itself be considered harmful to the public interest. Other elements must be taken into consideration, such as a budget deficit,

run-down housing and the lack of collective infrastructures. In the Decree of 9 November 1994 (IIIrd Chamber, Decree No. 50,092), the Belgian Council of State ruled that the restriction contained in article 18 bis and in the Decree which gave effect to it and which had been challenged was a measure that could be deemed necessary in order to protect public order.

24. Six communes of Brussels (on three occasions since 1985) and the city of Liège (once between 1990 and 1991) have obtained an authorization under article 18 bis. The most recently approved Royal Decrees expired on 14 May 1995; since then, no other Royal Decree has replaced them because the Government has stated that it does not intend to renew this measure during the current session of Parliament.

(iii) Measures to facilitate the return of certain aliens

25. The Royal Decree of 7 August 1995 (Moniteur belge of 2 September 1995) specifies, pursuant to the new article 19 of the Act of 15 December 1980, the conditions and cases in which aliens who have lived outside the Kingdom for over one year may be authorized to return. One goal of these new provisions is to facilitate the return to Belgium of certain aliens for whom resettlement in their country of origin has become difficult or impossible because they are, for instance, persons who were born or raised in Belgium, but who, while still minors, had to go back with their parents to their country of origin.

(iv) Specific provisions on refugees

26. In view of the large backlog of cases to be considered, the Minister of the Interior, who believes that it is the responsibility of the competent authorities to deal with requests for asylum within a reasonable period of time, has decided that all requests for asylum which were made prior to 1991 and had not been ruled on by 1995 would automatically be considered with a view to possible approval. By an Act of 6 May 1993, the Government also decided to speed up the procedure for considering new requests and to discourage the proliferation of identical statements.

27. This entailed an extension of the concept of address for service, which is valid for all official summonses and requests for information, including those sent by fax to a legal address. The authorities were given brief and firm deadlines for handing down an opinion or taking a decision at various stages of the procedure or for the applicant to file an urgent appeal. The Minister already had the right to require an asylum-seeker to reside at a given place while his request was under consideration or, in exceptionally serious cases, to place him in temporary detention in the interests of public order or national security. Henceforth, in a limited number of cases, the Minister may decide the place where asylum-seekers are to be registered. Moreover, in order to limit the possibility of using this procedure for the purpose of creating delays, the appeals procedure has been rationalized; for example, the Standing Committee for Appeals by Refugees and Stateless Persons now has exclusive jurisdiction to deal with substantive decisions by the Commissioner General for Refugees and Stateless Persons.

(v) Specific provisions on displaced persons

28. Since the beginning of the war in the former Yugoslavia, Belgium has accepted a large number of refugees fleeing from violence and the policy of "ethnic cleansing". In order not to overburden the procedures for the recognition of refugee status, the Government created the status of "displaced person" in 1992. This residence status is granted by the Immigration Office to asylum-seekers from the former Yugoslavia who meet certain conditions (region of origin, membership of a minority group, deserter or conscientious objector status).

29. During a workshop on the situation of the some 6,000 displaced persons from the former Yugoslavia, organized by the Centre for Equal Opportunity and Action to Combat Racism in close cooperation with a delegation from the Office of the United Nations High Commissioner for Refugees, the hope was expressed that specific steps would be taken to protect certain categories of asylum-seekers. To that end, a circular dated 1 March 1995 terminated the status of displaced person for most nationals of the former Yugoslavia and gave them the possibility, depending on their individual cases, of instituting proceedings for recognition of refugee status or of being granted a renewable residence permit. Proposals on the problem of "humanitarian refugees" will also be made to the new Minister of the Interior.

30. A circular addressed to bourgmestres concerning the entry into and residence in the Kingdom of certain Rwandan nationals (Moniteur belge of 22 June 1994) also states that a residence permit of limited duration will be issued to those who have not applied for asylum. Their residence status will be re-evaluated in the light of developments in the situation in Rwanda.

(vi) Expulsion of aliens

31. In the above-mentioned Act of 6 May 1993, the Government provided for the detention in a given (restricted) location of aliens for whom a binding order of expulsion has been issued if the Ministry deems such detention necessary to guarantee their removal from the country. The period of detention may not exceed two months.

(vii) Provisions for the registration and acceptance of candidates for refugee status and for their more even distribution throughout the country

32. The purpose of the Act of 24 May 1994 establishing a waiting list for aliens claiming refugee status or requesting recognition of such status (Moniteur belge of 21 July 1994) is: (a) accurately to identify candidates for refugee status or asylum-seekers; (b) to enable the competent authorities to locate them in Belgium at any time and, if necessary, to know the composition of their families and the stage reached in the proceedings up to the granting of refugee status; (c) to establish which Public Social Welfare Centre is responsible for providing the social welfare to which they are entitled in view of their activities in Belgium; (d) to simplify procedures for the repatriation and deportation of such persons; (e) to collect all the

statistics necessary for the implementation of the Act; (f) and, more generally, to improve the methods of the many authorities involved for dealing with such persons.

(viii) Prevention of marriages of convenience

33. The Ministry of the Interior and the Ministry of Justice have issued a joint circular (Moniteur Belge of 7 July 1994) on conditions in which a civil registry official may refuse to perform a marriage. The purpose of this directive is to specify the conditions in which such an official may, in the exercise of his functions, refuse to perform a marriage in the absence of an objection to the banns. The goal is not to make mixed marriages prima facie suspect. Only if it is clearly apparent that the real intent is other than that expressed, i.e. that the purpose of the marriage is not to establish a lasting union, but merely to obtain the benefits associated with status of a married person, may the official refuse to perform the marriage.

34. A combination of the following circumstances is a serious indication that the marriage is intended to be in name only: the parties do not understand each other, have difficulty in carrying on a conversation or make use of an interpreter; the parties do not live together on a regular basis; the parties do not know each other's name or nationality; one party does not know where the future spouse works; a sum of money has been promised in exchange for one party's participation in the marriage; one of the two parties engages in prostitution; the parties make use of an intermediary; there is a great difference in the ages of the parties. The official may not refuse to perform the marriage unless he deems that all the evidence clearly and unequivocally indicates a marriage in name only. If in doubt, he consults the Office of the Prosecutor. The future spouses must have the benefit of the doubt.

(ix) Measures to combat illegal workers' networks

35. Criminal sanctions have been introduced and/or strengthened by the Act of 15 December 1980 with a view to combating the organizers of illegal immigration networks (Act of 1 June 1993) and those responsible for the traffic in persons (Act of 13 April 1995; see also below, paras. 49 et seq.)

(f) Legislative provisions on the acquisition of Belgian nationality

36. Although the Parliament began in 1991 to expand and broaden the process of facilitating access to Belgian nationality which started with the vote of 28 June 1994 in favour of the new Belgian Nationality Code (entry into force on 1 January 1985) and which has been a great success for some nationalities (for example, automatic attribution of nationality at birth to children born in Belgium to an alien parent who was also born in Belgium; presumption of the integration of children born in Belgium to parents who have lived there for at least 10 years prior to the birth; and elimination of the concepts of Belgian by birth and by unrestricted naturalization), the trend has intensified over the years. The "poor relation" of the reform was indisputably the naturalization procedure, which often took far too long owing to the red tape involved. This should change in future as a result of a legislative reform which was adopted in late March 1995 and made fundamental changes in the procedure for considering applications for naturalization (Act of

13 April 1995; Moniteur belge of 10 June 1995, to be implemented in early 1996, since the Royal Implementing Decree will enter into force on 31 December 1995) and which will make it possible to acquire Belgian nationality by naturalization in less than one year. This reform is partly a result of the fact that the Chamber of Representatives is now the only body competent to grant naturalization (this exclusive jurisdiction was made possible by the most recent reform of national institutions, which reduced the Senate's law-making power) and by the setting of a deadline of no more than four months by which the Office of the Prosecutor must hand down its decision, failure to do being interpreted as approval.

37. With a view to combating the phenomenon of marriages of convenience and the use of marriage with a Belgian national as a means of acquiring Belgian nationality more easily, the Parliament adopted the Act of 6 August 1993 (which entered into force on 3 October 1993) revising article 16 of the new Belgian Nationality Code on the acquisition of Belgian nationality by the foreign spouse of a Belgian. Henceforth, the spouses must have lived together for no fewer than three years instead of one year before the application can be submitted, but solely in cases where the applicant has had the right to live in Belgium lawfully only since the marriage.

B. Political rights

1. Right to vote and right to stand for election

38. The exercise of political rights is an important factor in the integration of foreign population groups in Belgium. Currently, article 8 of the Constitution still restricts the exercise of the principal political rights, namely, the right to vote and the right to stand for election, to persons possessing Belgian nationality. However, its adoption of the Treaty on European Union, and more particularly article 8 (b) of that Treaty, means that the Belgian State is now to amend its legislation. Article 8 (b) states that foreign residents who are nationals of a member country of the European Union shall be entitled to exercise the right to vote and the right to stand as a candidate, both in elections to the European Parliament and in communal elections. The Council of State and the Government have stressed the need to amend the Constitution to bring it into line with the requirements of the Maastricht Treaty.

39. The impact of this amendment to the Constitution will depend on the way the new text is formulated. If the text limits access to the right to vote and the right to stand for election to European nationals only, it will be technically difficult, in the medium term, to extend those rights to non-European aliens. However, if the new constitutional text contains open wording allowing, in due course, categories of alien other than European access to the right to vote and the right to stand for election, the constitutional barrier will no longer exist when the extension receives majority political support.

2. Access by aliens to posts in the administration

(a) Access to established posts in the public service

40. In accordance with the decision of the Interministerial Conference on Immigration Policy of 3 December 1992 and following proposals formulated by the Crown Commissioner for Immigration Policy, the Royal Decree of 26 September 1994 (Moniteur belge of 1 October 1994) establishing the general principles governing the administrative and pecuniary status of Government officials brought the status of Government officials and other personnel employed in the public service into line with article 48 of the Treaty of Rome of 25 March 1957, which established the principle of freedom of movement for workers on the basis of criteria laid down by the Court of Justice of the European Communities.

41. As a result, employment in the public service is now open to citizens of the European Union on the same terms and conditions as for Belgians. However, as provided for in article 48, paragraph 4, an exception is made for posts concerned with specific activities of the public service in so far as they involve, first, the exercise of powers conferred by public law and secondly, responsibility for safeguarding the general interests of the State or of other public authorities. Because of the vague nature of this concept, which can easily be interpreted over-broadly by administrations, the Minister of the Interior has issued an interpretative circular dated 24 February 1995 which is addressed only to the federal government services, but leaves it to each department to consider whether, on the one hand, the duties attached to a particular vacant post involve direct or indirect participation in the exercise of public authority and, on the other, whether, on a case-by-case basis, the post advertised is or is not accessible to a citizen of the European Union.

42. The Flemish Government, for its part, issued a decree dated 24 November 1993, establishing the Ministry of the Flemish Community and introducing staff regulations for the Ministry's personnel. Under these new regulations (which entered into force on 1 January 1994), nationality is no longer made a condition for access to established posts (with the exception of posts which involve, directly or indirectly, the exercise of public authority or posts concerned with safeguarding the general interests of the Flemish community). However, in practice the recruitment of non-EC citizens is still dependent on the amendment of the relevant clause in the Constitution.

43. In addition, article 10, paragraph 2, second clause, of the Constitution, which reads: "They (Belgians) alone may occupy civilian and military positions, subject to exceptions indicated in a law concerning special cases" has been revised with a view to bringing this provision of our basic law into line with the case law of the Luxembourg Court of Justice (cf. announcement of revision of the Constitution published in the Moniteur belge of 12 April 1995).

(b) Access to contractual posts in the public service

44. A Royal Decree of 13 April 1995 (Moniteur belge of 29 April 1995) has just amended the Royal Decree of 18 November 1991 establishing the conditions governing employment on a contractual basis in certain public services. In future, the performance of duties involving direct or indirect participation in the exercise of public authority and of duties which are designed to safeguard the general interests of the State may no longer be restricted to Belgians. The following public services are directly concerned:
(a) Government administrations and other ministerial services; and
(b) authorities which are dependent on the central Government and, whose staff is subject to the Royal Decree of 8 January 1973 establishing the staff regulations of some of these bodies.

45. Under the new Flemish Government Service Regulations of 24 November 1993, non-EC citizens may be recruited on a contractual basis to posts in Flemish Government Departments depending, as usual, on the extent of their direct or indirect participation in the exercise of powers conferred by public law.

46. By analogy with the new measures concerning access by nationals of countries of the European Union to established public posts, it would seem that the same principles should apply in respect of access to communal contractual posts. Thus, in the communal services, it is likewise the responsibility of the authority conducting the recruitment to determine whether the posts on offer should or should not be reserved for nationals on the basis of criteria established by the Court of Justice of the European Communities. The Minister-President of the Government of the Brussels-Capital Region, by virtue of his right of oversight over the Brussels communes, has already had occasion to remind one of the Brussels communes of the case law of the Luxembourg Court of Justice.

(c) Regulations governing the employment of workers of foreign origin

(i) Updating of scope of Royal Decree No. 34

47. On 31 March 1995, the Council of Ministers approved a draft Royal Decree altering the scope of Royal Decree No. 34 of 20 July 1967 relating to the employment of workers of foreign nationality, which establishes the principle that prior authorization should be obtained before any alien is offered employment on a contractual basis. This Royal Decree, dating from May 1995, was published in the Moniteur belge of 1 June 1995 and entered into force on 1 July 1995.

48. This Royal Decree is designed to update the scope of Royal Decree No. 34, on the basis of proposals made by the Crown Commissioner for Immigration Policy. The Consultative Council on Foreign Labour was invited to give its views in advance. The dispensations concern those categories of worker who either already possess the right of abode in Belgium or have come to Belgium to exercise their profession for only a short period (the Decree mentions sportsmen, referees and accompanists, as well as journalists); they are thus in line with the decision of the Council of Ministers of 1 August 1974 on halting economic immigration.

49. The most noteworthy changes are the following:

(a) Waiver of the work permit (A or B) requirement for aliens in possession of an entitlement to the right of abode. This provision was introduced following the proposal made by the Crown Commissioner on Immigration Policy with a view to facilitating the integration of aliens with an unlimited right of abode in Belgium and eliminating any possibility of conflict between their right of abode and their right to work;

(b) Elimination of discrimination against non-EC members of a Belgian family. Such persons will now enjoy the same rights as non-EC members of the family of a national of the European Economic Area: they will no longer be subject to the work permit (A or B) requirement;

(c) Apprentices of foreign nationality will no longer be subject to the work permit requirement;

(d) Legitimization of the administrative practice, applied for a number of years, of waiving the work permit requirement for work done during vacations by foreign students studying in Belgium;

(e) Waiver of the work permit requirement, for a maximum period of three consecutive months, for artists performing in shows of international repute;

(f) With regard to young persons working "au pair", indications are that it would be preferable to establish regulations in the educational and/or cultural sector. A different date of entry into force is therefore planned in order to enable the competent authorities to adopt specific provisions covering the category of young persons working "au pair". Accordingly, there are for the present no regulatory provisions covering this category.

(ii) Combating the international traffic in persons

50. In 1991, a number of statements and publications denouncing the phenomenon of the traffic in women existing in Belgium led the authorities to take the problem in hand. From 1992, measures were introduced aiming, on the one hand, to strengthen assistance to the victims and, on the other, to combat trafficking networks. In 1993, a Parliamentary Commission of Inquiry was set up and given the task of defining and proposing a policy for combating the traffic in persons. This Commission submitted a detailed report in 1994, containing numerous proposals and recommendations, as well as a draft bill designed to strengthen Belgium's legislative arsenal with a view to combating the traffic in persons more effectively.

51. In 1993, regulations relating to the granting of work permits for "cabaret artists" were revised in order to eliminate abuses arising from the exception to the immigration laws which they allowed. These work permits, which are granted by the regions and are valid for a period of three months, often served to supply the networks for the traffic in women. Also in 1993, a special system enabling provisional residents permits to be issued for the victims of the traffic in persons was introduced to enable victims being cared for by a specialized recognized social organization to benefit from assistance

while residing legally in Belgian territory. This provisional residence permit system, which appeared in the Moniteur belge of 7 July 1994 and which operates in stages, is linked to the complaint which the victim in care has decided to lodge against the persons or networks which brought him into Belgium. In this case as well, the victim may benefit from social assistance from the State and from a temporary work permit. The system provides that, whenever a complaint lodged or statement made by the victim is considered as significant for the proceedings, an application for a residence permit for an indeterminate period may be made.

52. Social welfare organizations which specialize in the care of victims of the traffic in women play a key role in combating these networks. At present, there are three accommodation centres in Belgium which specialize in giving assistance and support to victims of the traffic in persons: the non-profit associations "Payok-Saralek-Asmodée" for the Flemish region (Antwerp), "Pag-Asa" for the Brussels region and "Sürya" for the Walloon region (Liège). Their task is to provide psycho-social, medical and legal assistance to the victims. On the basis of the Act of 13 April 1995, these non-governmental organizations may also institute civil proceedings on behalf of the victims and they establish cooperation with the police, the inspection services and the front-line social services which are, each in their own field, the first to come into contact with the victims.

53. In Flanders, a project has been launched which is designed to develop a victim care and support network based on general-purpose social work centres. These centres operate as focal points and relay stations for the referral of cases to specialized centres through the services of a part-time co-worker made available for the purpose. One person has been recruited within the administration to coordinate and support the work of these front-line social welfare organizations.

54. In the matter of legislation, Belgium adopted the Act of 13 April 1995 containing provisions designed to eliminate the traffic in persons and child pornography (Moniteur belge of 25 April 1995). Under provisions relating to the implementation and follow-up of this Act, the Centre for Equality of Opportunity and for Action to Combat Racism has been made responsible for "encouraging" the policy for combating the traffic in persons. This role of policy encouragement, follow-up and coordination is described in the Royal Decree of 16 June 1995 (Moniteur belge of 14 July 1995), which requires the Centre to prepare an annual, independent and public report for the Government evaluating the policy. The Decree also provides for the setting up within the Federal Government of an interdepartmental unit to coordinate efforts to combat the traffic in persons, the members of which have been selected in such a way as to guarantee a global and coordinated approach to the problem which will produce an effective and lasting policy. This interdepartmental coordination unit is headed by the Minister of Justice and its secretariat, as well as general coordination, are provided by the Centre for Equality of Opportunity and Action to Combat Racism. The Government is also required to report annually to the Parliament.

C. Constitutional freedoms

55. The Act of 28 June 1984, which entered into force on 16 August 1984, put an end to the requirement, laid down in the Act of 27 June 1921, whereby one third of the staff of all non-profit associations and bodies working in areas of public interest had to be of Belgian nationality. An association of this kind may now be made up exclusively of non-Belgians, provided that all of them are entitled to reside in the country (as evidenced by the fact that their names appear in the population register).

56. Chapter II of the Belgian Constitution, which deals with fundamental rights and freedoms, was modernized following the Government reforms of 1993. Since the Constitution was established in 1831, this chapter had contained the traditional civil and political rights and freedoms (freedom of expression, of the press, of religion, of association, of property), as well as freedom of the use of language (art. 30) and freedom of, and the right to, education (art. 24), as amended by the State reform of 1988. The modernization of the fundamental rights contained in the Belgian Constitution was based on a number of international human rights conventions, such as the Convention for the Protection of Human Rights and Fundamental Freedoms, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the European Social Charter, etc.

57. First, a new article 22 was inserted into the Constitution, guaranteeing everyone the right to respect for his privacy and family life. Limitations on that right may be imposed only by federal law. Both federal lawmakers and lawmakers of the communities and regions are now required to take positive measures to protect this right. Through this article, constitutional backing has been given to the various legislative initiatives taken in Belgium over the past few years to protect the privacy of the individual (for example, the Act of 8 December 1992 on Protection of Privacy in respect of the Processing of Data of a Personal Nature, which established a commission on the subject). For the sake of completeness, attention should also be drawn to the Act of 30 June 1994 relating to protection of privacy vis-à-vis listening to, noting and recording private communications and telephone conversations.

58. A new article 23 on economic, social and cultural rights has also been added to the Constitution. It reads as follows:

> "Every individual has the right to a life consistent with human dignity. Accordingly, the laws, decrees and regulations referred to in article 134 guarantee economic, social and cultural rights, while taking account of the obligations deriving therefrom, and lays down the conditions under which they may be exercised.
>
> These rights include:
>
> 1. The right to work and freely to choose a gainful activity in accordance with a general employment policy designed, inter alia, to ensure the most stable and highest level of employment possible, the right to equitable working conditions and fair remuneration and the right to information, consultation and collective bargaining;

2. The right to social security, health care and social, medical and legal assistance;

3. The right to decent housing;

4. The right to the protection of a healthy environment;

5. The right to cultural and social fulfilment."

59. During the parliamentary debate on this article, it was repeatedly stated that the legal provisions contained in article 23 of the Constitution were not sufficient to give rise to any subjective right. However, during further work on the issue in Parliament, two other legal techniques were cited which could give the article practical effectiveness. There is the technique known as the "standstill effect", meaning that the fact that social, economic and cultural rights had been included among the fundamental rights enshrined in the Constitution had the effect of enabling existing legislation to make specific advance provision against any attempt to rescind or limit those rights. In addition, the provisions contained in article 23 of the Constitution are combined with the principle of equality and non-discrimination. In this connection, it must be borne in mind that, in Belgium, the Court of Arbitration has the role of ensuring that federal lawmakers and lawmakers of the communities and regions respect the principle of equality and non-discrimination.

60. A new article 32 was also included in the Constitution guaranteeing everyone the right to be able to consult any administrative document and to receive a copy thereof. Limitations on that right may be imposed only by federal lawmakers or by lawmakers of the communities and regions. In addition to this "passive" publicity for the administration, steps have been taken to guarantee "active" publicity, such as the establishment of mediation services at various administrative levels.

61. Mention should also be made of the fact that, under the Act of 10 April 1995 relating to communal public consultation, public consultations with non-binding effect may now be organized at communal level.

D. Policy on information for foreigners in Belgium

62. As stated in the previous report, aliens, like Belgians, are entitled to obtain information on their rights and duties from the administrations of the various federal, community and regional Ministries. However, this information is communicated only in the three national languages, owing to the strict language laws in force in Belgium. In addition, note should be taken of the development over the past few years of a variety of mediation services attached to the main administrations, which are required to give the citizen information and to accompany him to court should he decide to lodge a complaint.

63. Information is also disseminated in foreign languages, for example through embassies and consulates, but also via trade unions, insurance companies, communes and Government social welfare centres.

64. In support of its policy on immigrants, the Flemish Community has a network of integration centres for immigrants at the local, provincial and regional levels. One of the tasks of these centres is to disseminate information in connection with the integration of immigrants and action to combat racism. The recognition and financial support given to immigrant organizations also allows for better dissemination of information to the immigrant population. An Intercultural Centre for Immigrants was set up in 1994, with the task of launching a service specifically designed to assist immigrant organizations and immigrant artists and to promote intercultural contacts. The appointment of intercultural mediators is another measure specifically designed to improve information and communications. A course has been planned and organized to provide retraining or further training for both immigrants and Belgians with a view to qualifying them for recruitment to various sectors (teaching, health, youth work and socio-cultural services) in which they can work as interpreters, inter-cultural mediators or as officers responsible for defending the interests of particular groups.

65. In the French Community, numerous intercultural initiatives have been launched. Thus, special weeks or days have been devoted to celebrating the contemporary social and cultural life of countries of immigration. A number of theatrical productions, films and festivals have been organized, highlighting the cultural heritage or the friendly atmosphere of immigrant neighbourhoods. Lastly, exhibitions, film shows and campaigns have helped to publicize the Act of 30 July 1981 penalizing certain acts of racism or xenophobia.

66. The Crown Commissioner for Immigration Policy and, subsequently, the body which succeeded it, the Centre for Equality of Opportunity and Action to Combat Racism, have also organized and are still regularly organizing information and awareness campaigns aimed at aliens, supported by posters or brochures. One example is the brochure on "Becoming a Belgian", which describes the various ways in which nationality may be conferred or acquired and has been distributed to all communal administrations in the Kingdom. An explanatory brochure on the legal position of Moroccan women in Belgium has also been distributed, as well as an information brochure on the conditions and circumstances under which foreign cabaret artists are permitted to work in Belgium (prompted by the many problems that exist in relation to the traffic in persons and prostitution). A further example is the campaign by the Centre for Equality of Opportunity and Action to Combat Racism directed at nationals of European countries in connection with the European elections. Pursuant to the Maastricht Treaty, non-Belgian nationals of countries of the European Union domiciled in Belgium were able for the first time to make use of their right to vote for Belgian candidates in the European elections of 12 June 1994. As of early 1994, the Centre began to organize meetings at its premises, as well as in other large towns, with leaders of associations representing population groups of foreign origin. Almost 100,000 information leaflets, aimed chiefly at Italians and issued in French, Dutch, Italian and Spanish language versions, were distributed at these meetings.

67. In 1994, the Centre also distributed a poster reproducing in its entirety the text of the Act of 30 July 1981 penalizing certain acts motivated by racism or xenophobia, including the amendments made to it in 1994. This poster was sent as a matter of priority to judges, the police, burgomasters,

directors of social welfare centres, federal and community ministers and ministerial departments, as well as to members of the Parliament and members of the European Parliament. The campaign was subsequently extended to cover all possible institutions and services, both local and regional. The poster proved particularly effective in schools.

68. In recent years, there has been evidence in the media (radio and television) of an increase in broadcasts specifically designed to provide immigrants with information on events in their country of origin, as well as in their adopted country. There are also several private radio stations which broadcast partly in foreign languages.

II. ARTICLE 6

69. In order to respond to the Committee's request for greater accuracy and clarity in the presentation of statistics concerning Belgium, the Minister of Justice consulted all Attorneys-General of the Appeal Courts on the question of offences which qualified as racist in character on the basis of the Act of 30 July 1981. The Minister notes that, currently, statistics on the matter do not accurately reflect the true situation and that the main reason is that, in the majority of cases, the phenomenon of racism manifests itself through an ordinary offence such as homicide, arson or assault, the racist intention being lost because attention is focused on the crime. It is the intention in future to request Attorneys-General to instruct persons taking particulars of an offence to take special care when drafting their reports to assess the evidence on the basis of the Act of 30 July 1981, as well as on the basis of ordinary law, where a racist intention is discernible.

70. Consideration is now being given to the technical aspects of the request by the Minister of Justice in the light of existing facilities for word-processing in the courts and for adapting current data banks. It is for this reason that Belgium is not yet in a position to provide statistics giving an accurate picture of the situation in respect of the implementation of the Act of 30 July 1981 in response to the Committee's request.

III. ARTICLE 7

A. Education and training

1. Schools

71. As the result of a similar initiative in France, the "European Passport against Racism" campaign was launched in Belgium in late 1993. Over 15 other European countries have joined the operation since then. The Passport contains a brief and accessible restatement of the Belgium anti-racism law. It also explains what the victim or a witness of a racist act should do. This instrument against racism and xenophobia gives young people the opportunity to participate actively in an original and credible anti-racism campaign.

72. A European Youth Campaign against Racism, Anti-Semitism, Xenophobia and Intolerance was also conducted in the three communities. Various initiatives have been undertaken jointly with youth organizations and movements.

73. Through the late 1980s, most anti-racism activities were conducted at the initiative of participants from outside the school (extermination camp escapees, for example) or by teaching teams. Because of the events currently taking place in our society, this topic has been included in an effort to make education more relevant.

74. A number of ongoing initiatives have been undertaken on the "tolerance" theme by the Education Department of the Ministry of the Flemish Community. One such initiative is the Dynamo 2 project. Each year, the Department publishes a catalogue containing areas of activity, one of which is the "democratic school", offering several projects on tolerance. In connection with the commemoration of the end of the Second World War on 8 May, the Minister of Education decided that the schools would organize an annual (8 May) campaign for peace, tolerance and progress.

75. The importance of the Declaration on Non-Discrimination in Elementary Education, which was extended to secondary education in 1995, should also be emphasized. The goal is to persuade schools not to reject any pupil (including pupils of a different ethnic origin) and to consider complaints of discrimination (see policy of integration in education).

76. There is also a movement called "Schools Without Racism". When 60 per cent of the pupils and teachers in a school subscribe to a platform of the non-profit organization "Schools Without Racism", the school is awarded the "School Without Racism" label.

77. The Ministry of Education of the French Community organized an awareness-raising campaign on the occasion of the commemoration of the fiftieth anniversary of the liberation of Western Europe, entitled "Democracy or Barbarism ... 50 years later?" Several initiatives were taken involving awareness-raising and information for secondary school students. A brochure was also published, aimed more specifically at teachers and offering various teaching methods and topics for study.

2. Associations

78. Based on its belief that emancipation in one's own community is an important prerequisite for achieving emancipation in society at large, the Flemish Government enacted a temporary regulation in 1993 on recognition and financial subsidies for immigrant organizations. The Decree of 20 April 1995 containing regulations for financial subsidies for popular education associations provided these immigrant associations with a permanent regulation. The conditions for recognition and financial subsidies for immigrant organizations which act as meeting places for members of their population group and enable them to perpetuate their identity have been made more flexible than those required of other organizations. An intercultural immigrant centre was also established; its goal is "to use its expertise to work with and support associations for the promotion of sociocultural activities for and with immigrants, from an artistic, educational and social perspective".

79. In recent years, numerous movements and organizations have delved into the issues of tolerance and combating racism. This is in fact a response to the reemergence and increase in activity of extremist and xenophobic movements. Well-known organizations such as the MRAX (Movement against Racism, Anti-Semitism and Xenophobia), the Belgian League and the Belgian section for the Protection of Human Rights of Amnesty International also remain very active in this area.

80. More generally, in the cultural sphere numerous intercultural events are organized, with a view to promoting harmonious coexistence for both traditional sociocultural organizations and for the new immigrant organizations and integration services.

3. Information and the press

81. At the federal level, the Centre for Equal Opportunity and Action to Combat Racism, as the only service attached to a public authority, has a mandate to organize information and awareness-raising campaigns in connection with racism and anti-racism activities. Various initiatives are undertaken, such as the dissemination of the European Passport against Racism, the distribution of information on the new provisions of the anti-racism law, etc.

82. The Centre also has a training service which is primarily aimed at professionals who are brought into multicultural society through their work, such as educators from day-care through university, social workers, doctors and nurses, civil servants and the forces of order. The objective is to involve these professional categories in problems relating to immigrants and racism. Training aims not only at raising awareness through information, but also at changing attitudes.

83. In 1992, the Office of the Crown Commissioner for Immigrant Policy and the King Baudoin Foundation founded the Media Prize for a Harmonious Society. The Media Prize is an award for written or audiovisual productions that provide objective and balanced information on the presence of minorities in our country, thereby establishing a favourable atmosphere for producing a harmonious society. The prize is awarded annually, one year to the written press and the next year to the audiovisual media.

84. A Working Group on Immigrants has been established within the General Association of Professional Journalists of Belgium, which has conducted a survey on the way in which the news relating to minorities is delivered, in both the daily press and on television. The findings were used by the Working Group to formulate recommendations for journalists on news broadcasts relating to minorities. The following are the guidelines: (a) mentioning the nationality, country of birth, ethnic origin, skin colour, religion or culture only if this information is relevant to the news item; (b) avoiding unjustified generalizations or polarization; (c) avoiding presenting the facts in terms of problems or unnecessarily dramatizing them; (d) being conscientious when dealing with this type of news item; permitting rebuttals and corrigenda in cases of error when news items are reprinted or letters to the editor published; (e) calling the far right and racism by their names and showing them in a critical light; (f) exercising care as to the final form of the news item (headlines, photos).

85. A directory of immigrant organizations and minority contact persons has also been published. The purpose of the directory is to facilitate contact between journalists and people of foreign origin so that the opinion of these components of the population or their organizations will be taken into consideration more frequently by the media.

B. Integration policy

86. As stated in the previous report, one, but not the only way of combating all forms of discrimination, including racial discrimination, is to formulate a comprehensive and integrated policy for the integration of immigrants. More specifically, in recent years the various branches of the Belgian Government have stepped up their efforts to establish the parameters for such a policy and gradually to implement measures in a number of sectors relating to cohabitation between native-born Belgians and immigrants.

87. The report mentions only the main features of immigration policy as well as concrete achievements in the three crucial areas of education, housing and employment. Education, housing and employment have been and still are the three keys to full and complete integration into a society.

1. Main features of immigration policy

(a) Office of the Crown Commissioner for Immigration Policy

88. As stated in the last report, the Belgian Government undertook in May 1988 to carry through an energetic policy for the benefit of immigrants with a view to ensuring harmonious coexistence with the Belgian population. In March 1989, a Crown Commissioner and a Deputy Crown Commissioner for Immigration Policy were appointed for a term of four years. The Crown Commissioner's task is to consider and propose appropriate measures in connection with problems relating to immigrants. He is required to assign priority, bearing in mind the areas of competence of all parties, to problems of employment, housing and education for the promotion of integration, including instruction in one of the national languages, with a view to coordinating, monitoring and supporting the policy followed in that field by all the ministerial departments concerned, the Communities, the Regions and the commune authorities.

89. The Office of the Crown Commissioner designed a concept for the integration of immigrants that was adopted by the Belgian Parliament. This concept is the basis for the establishment and development of a concrete immigrant policy in Belgium. Its point of departure is integration in accordance with the following criteria: (a) assimilation where required as a matter of public policy; (b) consequent encouragement for thorough integration on the basis of the fundamental principles of the culture of the host country (modernity, emancipation and pluralism); (c) unequivocal respect for cultural diversity as a factor for mutual enrichment; and (d) promoting the structural involvement of minorities in the activities and in the goals of the public authorities.

90. The first two levels basically stress the duties of immigrants, whereas the second two emphasize their rights. Although this relates to criterion (d), it should be noted that immigrants who do not have Belgian nationality cannot take part in elections.

91. In March 1993, the Crown Commissioner and Deputy Crown Commissioner completed their task. Their final report, "A Design for Equality", contains a listing and evaluation of the numerous policy proposals made in this area.

92. The most important conclusion drawn after four years of work was that the Office of the Crown Commissioner had its raison d'être as an institution and that it had proved its usefulness. The problems dealt with by the Office of the Crown Commissioner were an integral part of the general atmosphere of Belgian society. Policy proposals were taken seriously and led to specific measures in various fields (education, for example).

(b) Integration policy from a federal perspective

93. The integration concept as designed by the Office of the Crown Commissioner is also the basis for integration policy at the federal level. This integration policy goes together with a clearly established policy on foreigners (migration policy). The immigration concept is primarily a practical instrument representing a synthesis between the Anglo-Saxon and Latin strategies and approaches to the integration of immigrants.

94. For certain aspects, the Flemish Community itself is more likely to refer to the Anglo-Saxon model (as found in the Netherlands and Great Britain). In this sense, integration implies that people from minority groups can express their group culture and ethnicity (see criterion (c) of the integration concept), that groups can and should differ from one another and that this cultural diversity is an enrichment to society.

95. The French Community bases its ideological approach on the Latin model. The cultural integration of all individuals towards a single concept of citizenship is the ultimate goal. Everyone is considered to be an individual to be placed on an equal footing with the others and the main strategy consists of integrating the victims of social exclusion.

96. Both approaches are reflected in the integration policy developed by the two Communities.

2. Examples of these integration policies

(a) Flanders

97. The integration policy of the Flemish Government, which is part of the integration concept developed by the Office of the Crown Commissioner for Immigration Policy, is designed to be a policy of inclusion and coordination whose objective is twofold: first, an equal opportunity policy aimed at encouraging the use of and accessibility to institutions and services by immigrants; and, secondly, a policy aimed at the promotion and emancipation of the target group (cultural integration policy). Responsibility for the inclusion policy is held by the competent Flemish ministers, who ensure the

actual implementation of the policy in their respective areas. To implement the coordination policy, the post of minister responsible for the coordination of immigration policy was established within the Flemish Government; at the administrative level an interdepartmental commission on immigrants was established.

(i) Education

98. Based on the observation that there are schools with no immigrants (white schools) and schools with only immigrants (black schools), a "priority education policy" was started in 1991. The policy focuses on four areas:

(a) Priority education policy with a view to preventing immigrants from falling behind in school. The schools with a minimum of immigrant pupils enrolled can obtain additional staff when they arrange to offer special classes in Dutch as a second language for young people to learn Dutch in an appropriate and effective manner. Efforts focus on expanding the pupils' interest through prevention and remedial help for individual scholastic problems and on sociocultural activities in the schools, in order to increase interest and participation by parents and neighbourhood residents in what goes on at school;

(b) Intercultural education: a scholastic approach that is geared to life experience and the acquisition of knowledge by pupils of different origins and cultures together. Anti-racism activities are naturally an integral part of this project. The policy of non-discrimination (see below), provides a broader foundation for intercultural education;

(c) Teaching in the pupils' own language and culture so that young people from immigrant families may have the possibility of developing their identity with respect to their group's past history;

(d) Policy of welcoming new immigrant arrivals: pupils who have recently immigrated (most of whom are the children of refugees) are given special instruction in a special intake class before they can go on to the regular classes.

99. To carry out this plan, supplementary resources have been provided on an annual basis of approximately BF 900 million. Efforts currently aim at a gradual merging of immigrant education with activities to expand the scope of ordinary education through early detection and support for all children showing signs of development or learning difficulties, with a view to curbing the academic failure rate.

100. To a large extent, access to education is crucial to an individual's chances for professional and personal development. With a view to fostering access to education by immigrants, the Flemish Ministry of Education and the representatives of the organizing authorities signed a joint declaration on non-discrimination in education on 15 July 1993. This declaration on non-discrimination has two goals: a more determined attitude towards non-discrimination in the schools and a balanced distribution of immigrant pupils throughout the schools. Regarding the first objective, the signatories pledged above all to introduce an intercultural dimension into both course

content and organization. The representatives of the organizing authorities also pledged to develop a model code to indicate to what extent these principles are reflected in the actual teaching philosophy. A procedure for dealing with complaints of discrimination in school has also been developed. The second objective of the declaration relates to the presence of immigrants in the schools. It provides for cooperation at the local level with a view to reaching a more proportional number of immigrants in all the schools of a commune. The declaration also states that schools with more than 50 per cent of pupils from the target group may receive additional support if the number of immigrant pupils dropped sharply as a result of the anti-discrimination policy. The additional support should be used to make the schools more attractive to native-born pupils.

101. Specific projects have also begun on behalf of nomad children. They are given separate, special instruction to train them in school attendance and literacy with a view to integrating them into ordinary classes later on. However, a specific policy for the nomad population is being planned.

102. Mention should also be made of the fact that the children of foreigners illegally residing in the territory are included in the calculations to establish standards for subsidies and staffing (and are therefore no longer ignored because of their totally illegal situation).

103. There is also a special education system. This type of education is aimed at children who, because of deficiencies or specific characteristics at the mental, intellectual, psychological or physical level, cannot attend regular classes. The growing number of children from immigrant families found in these classes is disturbing. This development is taken into account in the "broadening of the scope of ordinary education" project.

104. With a view to fostering the integration of non-Dutch-speaking adults into society, adult education institutions in Flanders may offer Dutch as a second language. Adult education functions as ongoing education for individuals having little schooling, who are entitled to follow apprenticeships and comprehension classes. Immigrants make up more than 50 per cent of the primary education section, where they mostly attend Dutch classes. As for immigrants with a high level of schooling, various courses at different levels are offered in the framework of education for social advancement. Despite this availability, there is still a great need for special language classes.

(ii) Housing

105. In the field of housing, an "inclusive" policy is being applied, which implies that, where immigrants are concerned, no specific projects or regulations are being envisaged. However, this does not mean that this target group is being neglected. In the housing sector, the Government's policy on immigrants, for practical reasons, has to a large extent been integrated with its policy on poverty.

106. Since the early 1990s, the Flemish authorities have been giving renewed attention to the public housing sector. Under various extended-range projects for underprivileged areas, public housing units have been built or rebuilt

inside existing housing clusters. In allocating housing, priority is given to low income applicants and to persons living in underprivileged areas. A sum of BF 1.6 billion per year has been earmarked for this purpose. In addition, the Flemish Government has launched an emergency public housing programme under which 10,000 public sector housing units are to be built within a short period in one single accelerated operation. A mixed holding company "Domus Flandria S.A." has been set up for the purpose, in which the Government has a majority shareholding of 51 per cent. Some BF 30 billion have been allocated for the financing of this programme.

107. In order to ensure that housing is allocated on an objective basis, the Flemish Government upgraded the status and training of commissioners of the Flemish Housing Society in 1994. These commissioners are made specifically responsible for checking that the allocation of housing from building society stock is carried out honestly and are required to take active steps to ensure that the rules on non-discrimination are observed. In addition, the Flemish Government has improved the regulations governing entitlement and registration for applicants for public housing rental, so that the maximum number of housing units can be allocated to the desired target group. To ensure that this is done, the applicant is given the opportunity of a verification procedure and has a better entitlement to legal remedy if an allocation is disputed.

108. Most accommodation (as well as most substandard accommodation) is found in the private housing market. A number of measures have been taken to provide more support for tenants renting in this market, many of whom are immigrants:

(a) In 1992, the 25 year old housing allocation, housing take-up and rental system was radically improved, and the range of the target group (elderly persons and slum dwellers leaving their homes) was extended to cover slum dwellers whose homes had been renovated, the homeless, and handicapped persons;

(b) In order to establish a link between the public rental sector and the private rental sector and with a view to reinforcing the right to housing of persons with difficulties in finding accommodation, the Flemish Government concluded an agreement in 1992 with a number of public housing offices which rent or buy housing on the private market and subsequently rent it out to a particular target group. These offices also offer their target group mediation on rent problems and support services;

(c) In addition, the Flemish Government is supporting a number of tenants' associations. These associations play a vital role in the area of information, prevention, legal advice and defending tenants' interests.

109. With a view to tackling the problem of empty and insalubrious buildings, tax reductions on empty buildings have been eliminated. The levying of community taxes on empty and insalubrious buildings encourages private owners to make these inner city dwellings available for rental. Compensation is paid to the housing societies which rent such dwellings with a view to renting them out again, after rehabilitation, as upgraded housing.

(iii) Employment

110. In March 1993, a decree instituting the "Job Seekers' Charter" was approved. This charter states that "Any job seeker has the right to equal treatment. The Flemish Employment and Vocational Training Office (VDAB) undertakes to make no distinction in the services it provides based on the sex, age, race, colour, nationality, beliefs or social origins of the job seeker". A mediation service has been set up within every subregional employment commission and there is also a Flemish community mediation service, responsible for dealing with complaints concerning any shortcomings in a particular department or procedure or on the part of a particular official.

111. Staff of the VDAB are required to apply an anti-discrimination code and to follow a standard procedure when confronted by a discriminatory demand on the part of an employer. The VDAB has also recruited immigrant support workers. These workers receive training specifically designed to ensure that more is done to help immigrants find jobs. Under the movement "Flemish Action for Return to Work", consultants on immigrant issues have been appointed who apply specific methodologies designed to assist the target group.

112. Because immigrants as a target group are under-represented in existing programmes for solving the unemployment problem, the Flemish Government decreed in 1989 that the persons covered by such programmes should include a minimum of 4 per cent immigrants. Thus, 25 per cent of the posts made available under a special employment programme in underprivileged areas in large cities (the system of contracting agents subsidized by VFIK, the Flemish Anti-Poverty Fund) have been reserved for immigrants.

113. Quantitative targets have also been set for participation by immigrants in future training courses. The VDAB has also organized language courses to upgrade the qualifications of immigrants. These have been supplemented by a variety of additional courses (basic information on the labour market and social legislation, elementary mathematics, etc.) and constitute an intermediate stage before training proper begins.

114. In this area, Government departments are collaborating with private initiatives and with immigrant organizations which are organizing training courses and helping job seekers to find work.

115. Standing "risk group" working groups have been set up at the regional level within the VDAB and are responsible for preparing local plans for target groups. Immigrants are thus recognized as a "risk group". They too are represented in these working groups.

116. The development of a target group policy is one of the major elements of Flemish policy on employment and the Government decided on 3 February 1993 that such a policy should be applied in Government departments to benefit women, immigrants and the handicapped. These departments have now been assigned the following tasks: to promote proportional participation, to devise an annual target group plan, and to prepare an annual report. An officer of the Department of Emancipation has been made responsible for drafting plans for positive action and defining their objectives and procedures. In addition, the nationality requirement has been deleted from

the new Flemish Community staff regulations in order to ensure that, in principle, immigrants should have access to established posts. However, pending an amendment to the Constitution on this point, in practice only contractual posts are open to nationals of non-European countries.

117. Recently, a number of social economy projects and sheltered workshop projects have also been launched on an experimental basis. The social economy sector includes a number of economic and ecological activities which are not conducted via the market sector, but which benefit from Government support because of their added-value in social terms, their high degree of labour intensiveness and the opportunity they offer to provide jobs for the poorly educated and job seekers who have difficulty in finding work. The workshops are designed to provide work in a sheltered environment for job seekers who are difficult, or even impossible, to "place" and to persons who have little or no prospect of ever returning to the ordinary labour market.

118. Also of interest is the pilot scheme entitled "Islands of Apprenticeship" under which unemployed persons who are difficult to place are given jobs in ordinary firms, but not through the normal channels. In addition, initiatives have been developed in the independent business sector designed to stimulate ethnic enterprises, which are seen as a means of furthering integration.

(b) The Brussels-Capital Region

(i) Education

119. The concentration of children of immigrant origin in Brussels schools is enormous in comparison with the situation prevailing in Flanders and Wallonia. But education is a matter for the communities: thus, policy on the subject in Brussels is applied by the Flemish Community in respect of Dutch-speaking schools and by the French Community in respect of French-speaking schools.

120. Also of interest, because it is peculiar to Brussels, is a project for combating absenteeism in all Brussels schools. In fact, an inquiry has revealed that the percentage of drop-outs in secondary education is 7.5 per cent. It would also appear that 10,000 pupils are not registered in any school despite the fact that they are still within the compulsory school-age bracket (up to 18 years of age). The measures taken are educational (in the schools), social (support for families) and legal (fines imposed on both parents and children).

121. As part of action to combat violence, a pilot project, which has cost BF 15 million, has been launched under which 14 mediators have been working in 14 educational establishments located in high-risk neighbourhoods of the Brussels-Capital Region. Their task is to re-establish dialogue between the school and the pupil in collaboration with the teaching team, the parents, and others concerned.

(ii) Housing

122. Considerable efforts have been made in the public housing sector through the Brussels Region Housing Society. Two hundred and thirty new housing units are built annually and 150 renovated in the Region.

123. Regulations exist under which subsidies are granted to associations which are doing commendable work in promoting integration through housing (including housing for the handicapped). These regulations provide two kinds of subsidy: a subsidy for the operating expenses of a non-profit association active in the field of social integration through housing and a subsidy which must be used as a financial contribution to the rental, rental guarantee and rental charges of persons or families who are in process of being integrated through housing.

124. In addition, there are certain regulations on urban renewal and development which de facto involve neighbourhoods in which many immigrants live. One regulation provides for subsidies to associations which carry out renovations. These associations own property which they renovate and then offer, either free of charge or on a paying basis, to "disadvantaged" third parties. Another regulation provides for the granting of subsidies to associations carrying out a neighbourhood integrated development programme of urban renewal. Lastly, there are neighbourhood contracts for the rehabilitation of particular neighbourhoods. These include a social element covering young people, the elderly, the social economy, etc.

(iii) Employment

125. One policy peculiar to Brussels is the policy known as socio-professional placement. The target group of this policy consists of persons who, whether or not they are registered as job-seekers, are unable to find work and find it impossible to meet the requirements of the job offers on the market because of their lack of qualifications, their social isolation or the discrimination practised against the population group to which they belong.

126. Under this policy, an expanded partnership has been initiated between regional and community services concerned with employment and training and other entities such as Government social assistance centres, alternate training centres, part-time training centres, local socio-professional employment associations and local missions, which are communal bodies fostering collaboration between the public sector, the private sector and local entities concerned.

127. With a view to encouraging the development of activities by local partners in support of employment projects, the Region has provided funding totalling BF 420 million over a period of five years.

128. The Brussels Region Placement Service also has the collaboration of immigrant support officers, who are endeavouring to find jobs for 300 young people by offering financial incentives to employers.

(c) French Community

(i) Education

129. The Minister responsible has made considerable efforts to promote the integration of young pupils of foreign origin into compulsory schooling:

(a) Funding of BF 250 million has been allocated for projects in support of schools in difficulties, with a view to promoting "success

schools". Eighty per cent of this budget has been concentrated in areas with a high unemployment rate and/or a high proportion of immigrant pupils, namely, Brussels, Liège, Charleroi and Mons-Centre;

(b) A budget of BF 33 million has been earmarked for specific training courses, intended for teachers giving pupils remedial help in the language of instruction, the heads of the schools concerned and inspectors. The purpose of these courses is to provide those having to deal with immigration problems in basic education with additional training which will make them better equipped to combat the academic failure rate;

(c) Three thousand eight hundred course sessions, the equivalent of BF 150 million, have been devoted to remedial help in the language of instruction in priority education areas (ZEP);

(d) The French Community's investment in projects developed in the priority education areas (ZEP) is as much as BF 75 million. Attention has been focused on four priority areas: the development of documentation centres available for use by schools, the organization of cultural visits, consultation and collaboration between teaching staff, and social mediation;

(e) A number of assessments were made in the course of the 1992-1993 school year of initiatives developed since 1989 in the education priority areas. These assessments highlighted the value of activities focused on language skills, socio-cultural awareness and inter-group communication. They also brought out the difficulties involved in planning school schedules, in teacher training and in providing information for the various persons involved in the joint planning of activities. Lastly, they stressed the importance of setting up a mechanism for coordinated management of the project, which would require the recruitment of professionals to run the activities organized;

(f) All the other ZEP initiatives in Wallonia are being continued in the normal way, under the same conditions and following the same methodology as at the beginning. In 1996, an assessment will be made of the various activities undertaken, as well as of other trial projects in areas VII and VIII (Brussels Region);

(g) Lastly, projects launched under the Support Fund for Immigrant Policy, managed by the Department of Education, have yielded very encouraging results, which should be followed up for the future.

(ii) Culture

130. The Office for Youth and Education (DAJEP) recognizes and subsidizes a large number of associations which are organizing activities with Belgian population groups or tackling immigration issues through an inter-cultural approach.

(a) Awareness of immigrant cultures: days or weeks celebrating contemporary social and cultural life in countries of emigration, such as Italia Oggi, the Film Festival on Spanish Cinema in the 1990s, the

Latin American Theatre Festival and the exhibition "Aromas of the Arab World" organized by the Centre for Arab Art and Literature in Brussels, with the help of the Department of Education;

(b) Memory of cultural minorities: exhibitions ("Re-weaving the Tapestry of Memory"), competition on the history of immigration, demonstration organized around the theme "Foreigners in the Resistance";

(c) Popular traditions: celebration of the cultural heritage of immigrants through publications (Kurdish costumes, Kasaï stories) and exhibitions (Muslim mosaics);

(d) Multi-cultural events: multi-cultural festivals such as "Brussels in Colours" fostering the friendly neighbourhood spirit;

(e) Inter-cultural productions: theatre shows or video films on the subject of exile ("The Diaspora", "My Roots"), the re-forming of identities ("Country without Walls"), cultural encounters ("The Crusades");

(f) Teaching tools and studies on the development of citizenship and identity in a multi-cultural context: discussions (on the Mediterranean woman) and publications (the situation of women and young people of immigrant background);

(g) In 1988, the DAJEP also established a summer programme for young people known as "Eté-Jeunes", which was originally preventive in intent and under which activities are organized by various means during the summer vacation for young people from disadvantaged backgrounds. Activities under this programme are aimed, more particularly, to achieve better integration of young people into the local community and to help young people from different backgrounds and cultures to learn to live together. One of the basic principles of the "Eté-Jeunes" operation is the need for partnership, which encourages the various local protagonists to bridge the traditional gulf that exists between them for the sake of the creation of a joint-action project. It is also planned to achieve better cohesion and collaboration between the teaching efforts of partner-associations and initiatives developed under the programme "Eté-Jeunes".

131. Lastly, mention must be made of the active participation of several offices and departments of the Ministry of Culture and Social Affairs in the European Youth Campaign against Racism, Anti-Semitism, Xenophobia and Intolerance, launched by the Council of Europe on 1 December 1994. Plays and exhibitions have been organized, books and periodicals have been published and various teaching tools such as discussion groups and videos have been developed. All these initiatives have been focused on the need for tolerance, for better awareness of racism, of xenophobia and extreme-right views and of human rights and, in general, are designed to help people become better acquainted with their neighbours.